

30 to relinquish the original point of diversion, place of use, or purpose of use.

31 (b) "Temporary change" means a change for a fixed period of time not exceeding one
32 year.

33 (2) (a) ~~Any~~ Subject to Subsection (2)(c), a person entitled to the use of water may
34 make permanent or temporary changes in the:

35 (i) point of diversion;

36 (ii) place of use; or

37 (iii) purpose of use for which the water was originally appropriated.

38 (b) Except as provided by Section 73-3-30, a change may not be made if it impairs a
39 vested water right without just compensation.

40 (c) A change application on a federal reclamation project water right shall be signed
41 by:

42 (i) the local water users organization that is contractually responsible for:

43 (A) the operation and maintenance of the project; or

44 (B) the repayment of project costs; and

45 (ii) the record owner of the water right.

46 (3) A person entitled to use water shall change a point of diversion, place of use, or
47 purpose of water use, including water involved in a general adjudication or other suit, in the
48 manner provided in this section.

49 (4) (a) A person entitled to use water may not make a change unless the state engineer
50 approves the change application.

51 (b) A person entitled to use water shall submit a change application upon forms
52 furnished by the state engineer and shall set forth:

53 (i) the applicant's name;

54 (ii) the water right description;

55 (iii) the water quantity;

56 (iv) the stream or water source;

57 (v) if applicable, the point on the stream or water source where the water is diverted;

- 58 (vi) if applicable, the point to which it is proposed to change the diversion of the water;
- 59 (vii) the place, purpose, and extent of the present use;
- 60 (viii) the place, purpose, and extent of the proposed use; and
- 61 (ix) any other information that the state engineer requires.

62 (5) (a) The state engineer shall follow the same procedures, and the rights and duties of
63 the applicants with respect to applications for permanent changes of point of diversion, place of
64 use, or purpose of use shall be the same, as provided in this title for applications to appropriate
65 water.

66 (b) The state engineer may waive notice for a permanent change application involving
67 only a change in point of diversion of 660 feet or less.

68 (6) (a) The state engineer shall investigate all temporary change applications.

69 (b) If the state engineer finds that the temporary change will not impair a vested water
70 right, the state engineer shall issue an order authorizing the change.

71 (c) If the state engineer finds that the change sought might impair a vested water right,
72 before authorizing the change, the state engineer shall give notice of the application to any
73 person whose right may be affected by the change.

74 (d) Before making an investigation or giving notice, the state engineer may require the
75 applicant to deposit a sum of money sufficient to pay the expenses of the investigation and
76 publication of notice.

77 (7) (a) Except as provided by Section 73-3-30, the state engineer may not reject a
78 permanent or temporary change application for the sole reason that the change would impair a
79 vested water right.

80 (b) If otherwise proper, the state engineer may approve a permanent or temporary
81 change application for part of the water involved or upon the condition that the applicant
82 acquire the conflicting water right.

83 (8) (a) A person holding an approved application for the appropriation of water may
84 change the point of diversion, place of use, or purpose of use.

85 (b) A change of an approved application does not:

86 (i) affect the priority of the original application; or

87 (ii) extend the time period within which the construction of work is to begin or be
88 completed.

89 (9) Any person who changes or who attempts to change a point of diversion, place of
90 use, or purpose of use, either permanently or temporarily, without first applying to the state
91 engineer in the manner provided in this section:

92 (a) obtains no right;

93 (b) is guilty of a crime punishable under Section 73-2-27 if the change or attempted
94 change is made knowingly or intentionally; and

95 (c) is guilty of a separately punishable offense for each day of the unlawful change.

96 (10) (a) This section does not apply to the replacement of an existing well by a new
97 well drilled within a radius of 150 feet from the point of diversion of the existing well.

98 (b) Any replacement well must be drilled in accordance with the requirements of
99 Section 73-3-28.